

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DARREN JOHNSON,

Plaintiff,

v.

Case No. 12-12542
Hon. Lawrence P. Zatkoff

HELEN BRINKMAN, et al,

Defendants.

DENIAL OF PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL

This matter is before the Court on Plaintiff's Motion for Appointment of Counsel [dkt 8]. Pursuant to 28 U.S.C. § 1915, Plaintiff's requests that the Court appoint Plaintiff counsel to represent him in this case. Plaintiff's case arises from his civil rights complaint filed under 42 U.S.C. § 1983. Plaintiff, who is incarcerated in a Michigan prison, filed his *pro se* complaint, asserting that he was wrongfully prosecuted and convicted by Defendants. At the time of filing, Plaintiff did not pay the required filing fee or file an Application to Proceed *In Forma Pauperis*.

On June 25, 2012, the Court issued two Orders to Correct Deficiency, because Plaintiff failed to submit the \$350.00 filing fee or an Application to Proceed In Forma Pauperis, and he failed to file sufficient copies of his complaint. The Court required Plaintiff to correct the deficiencies by July 25, 2012, and cautioned that if he failed to do so, then the Complaint would be subject to dismissal for want of prosecution.

On August 7, 2012, the Court dismissed Plaintiff's complaint without prejudice because he had neither paid the required \$350.00 filing fee nor submitted a proper Application to Proceed In Forma Pauperis. Plaintiff had also failed to file sufficient copies of his complaint for service. While Plaintiff has now filed an Application to Proceed *In Forma Pauperis*, his complaint has been dismissed for want of prosecution. Based on this dismissal, there is no case for which Plaintiff may

proceed, with or without counsel.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Appointment of Counsel [dkt 8] is DENIED as MOOT.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: August 14, 2012

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on August 14, 2012.

S/Marie E. Verlinde

Case Manager

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